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SUMMARY RECORD OF THE 23rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 30 March 1998, at 3 p.m.

Chairman: Mr. SELEBI (South Africa)

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The meeting was called to order at 3 p.m.

STATEMENT BY MR. FERNANDO E. NARANJO VILLALOBOS, MINISTER FOR FOREIGN AND RELIGIOUS AFFAIRS OF COSTA RICA

1. Mr. NARANJO VILLALOBOS (Costa Rica) said that his country had been the seat of the first international tribunal to which individuals could resort and was currently hosting the Inter-American Court of Human Rights. Costa Rica was one of the first countries to ratify the Covenants and other international instruments concerning human rights and to propose, with the support of a large number of countries, the establishment of the Office of the United Nations High Commissioner for Human Rights. Costa Rica therefore had a long tradition in this regard, which prompted it to call upon the countries that had not yet done so to accede to, and ratify, the treaties in force, being convinced that such an initiative would inevitably contribute to respect for human rights and to the maintenance of international peace and security.

2. In particular, Costa Rica wished to draw attention to the need to finalize the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Costa Rica had initially proposed in 1991. In that regard, he welcomed the fact that a Costa Rican national had been elected chairman of the Working Group assigned to put that proposal into effect.

3. The Costa Rican delegation was disturbed by the politicization that all too frequently characterized the consideration of questions relating to human rights at the international level. The application of double standards in the face of situations that were sometimes extremely grave was a source of concern, particularly at a time when the world was celebrating the fiftieth anniversary of the Universal Declaration of Human Rights, which should provide an opportunity to focus attention on what was really important, namely effective respect for those rights.

4. The year 1998 also marked the fifth anniversary of the Vienna Declaration, which had established the principle of the indivisibility of all human rights and had emphasized the importance of the right to development, which was an essential right for many countries, including those in Central America.

5. In Costa Rica, respect for human rights formed part of the daily practice of the Government and the Costa Rican people and had motivated the establishment of supervisory institutions and mechanisms. From the standpoint of domestic law, the international instruments concerning human rights enjoyed the same status as the provisions of the country's Constitution. Accordingly, considerable progress had been made in fields such as the elimination of gender-based discrimination, the protection of children and respect for the rights of disabled persons, indigenous peoples and other groups.

6. In Costa Rica, human rights were taught as part of the education programmes. In fact, the country was convinced of the fundamental role that education played in that regard and that conviction had prompted it to propose the celebration of a United Nations decade for education in the field of human rights, a proposal that had been well received.

7. Finally, the Government had opted for sustainable development based on respect for nature. The Guaymies, the indigenous peoples of Costa Rica, actually believed that the earth was a living being which needed protection and that anything which affected the earth would likewise affect mankind. That ancestral belief, which still had its adepts in Costa Rica, was in a way the indigenous concept of the Universal Declaration of Human Rights.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 11) (continued) (E/CN.4/1998/74 and Add.1, 75 and 76)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 16) (continued) (E/CN.4/1998/90, 91; E/CN.4/1998/NGO/14, 36; E/CN.4/Sub.2/1997/18; A/52/498)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 18) (continued) (E/CN.4/1998/6 and Add.1 and 2 and Corr.1; E/CN.4/1998/115 and 121)

8. Mr. NARANG (European Union of Public Relations), speaking on agenda item 18, said that love and compassion were the cornerstones of all religions. It was man who had distorted the teachings of religion in pursuit of his base earthly ambitions and the perpetuation of his power. That explained why followers of different religions had, at one time or another, persecuted those who belonged to other faiths.

9. An example of that could be found today in Pakistan, where religious instruction was creating extremists who were determined to oppress those who did not subscribe to their ideology. Hence, the daily clashes between Sunnis and Shi'ites and the attacks on Christians, Ahmadis and Hindus. It was those same extremist groups which, through the Taliban, had exported their ideology to Afghanistan.

10. The Western countries were not immune to that infectious disease of intolerance. In the United Kingdom, militant groups were abusing democratic freedoms in order to preach hatred against Jews and followers of other faiths through the Internet, for example. However, it was not primarily to the Western countries, in which religion was no longer a factor in the conduct of public affairs, that an appeal for tolerance should be launched; it was to the countries that accorded religion a central place in affairs of State. Those countries should be informed that the international community was watching them carefully and expected them to ensure that the rights of minorities were protected.

11. Mrs. MARWAH (International Institute for Non-Aligned Studies), speaking on agenda items 16 and 18, said that the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which was adopted by the General Assembly in 1992, placed States under an obligation to protect the rights of minorities so that they could preserve their traditions and transmit them to future generations. However, it was often those same States that deprived minorities of their rights on grounds of their religion, their ethnic origin or their language. In most cases, majority

communities sought to integrate minorities through legislative measures or socio-cultural means. That tendency was being increasingly observed, even in States that prided themselves on being democratic. The State's inability to protect the rights of minorities engendered frustration and that frustration, in turn, led to the appearance of armed movements which threatened the very existence of the pluralistic State. In order to put an end to those internecine struggles within the human family, it was essential to promote greater respect for democratic principles through a process of example and education.

12. Mrs. SIKORA (Transnational Radical Party) said that, in the countries of the former communist bloc with a multi-ethnic structure, a metastasizing nationalism was undermining democratic values since democracy was reduced to a mere voting procedure which allowed the majority to eliminate or marginalize minorities. In those countries in transition, there was a conflict between two concepts of the State, namely the unitary and centralized State and the federalist decentralized State. The former Yugoslav Federation began to disintegrate when the Serbian President Milosevic sought to ensure the supremacy of the Serbian majority, with well-known consequences.

13. The case of the former Yugoslav Republic of Macedonia was also typical. In that country, in which one third of the population consisted of ethnic Albanians, the Albanian language was not recognized as an official language and the principal organs of the State were totally dominated by Macedonians. In fact, every means was used to marginalize the Albanians in the decision-making organs, particularly the Parliament where they held only one-sixth of the seats. The same applied in the social sphere in regard to the provision of communal facilities or access to education, culture and information.

14. The Transnational Radical Party fully supported the final recommendations of Mrs. Elizabeth Rehn, the Special Rapporteur, and requested the Commission on Human Rights to encourage the former Yugoslav Republic of Macedonia to respect the equal rights of all its citizens in both law and practice.

15. Mr. CHOEPHEL (Society for Threatened Peoples), being concerned with the deprivation of religious freedom from which Tibet had been suffering for a number of years, drew the Commission's attention in that regard to the case of the young Gedhun Chokyi Nyima, the eleventh Panchen Lama of Tibet whose whereabouts were unknown, and that of Chadrel Rinpoche and many monks and nuns who were detained in Tibet. He condemned the politicization of the Tibetan religious institutions and the control of their activities by the Chinese authorities, who were demanding written declarations from the Buddhist monks and nuns affirming that Tibet was part of China and denouncing His Holiness the Dalai Lama. He also referred to the campaign that the Chinese authorities had launched against the Dalai Lama, the restrictions that they had placed on the transmission of religious teachings and the fact that they had banned the major religious ceremonies. Finally, he condemned the expulsion, in 1996 and 1997, of more than 2,800 monks and nuns who had refused to be "re-educated". All those policies were threatening the very survival of the religious, cultural and national identity of the Tibetan people. The Society for

Threatened Peoples nevertheless hoped that the Chinese authorities would invite the Special Rapporteur on religious intolerance to pay a follow-up visit to China and Tibet.

16. It was because of the situation in Tibet and the lack of United Nations action thereon that six Tibetans between 25 and 70 years of age had begun a hunger strike at New Delhi on 10 March of the present year. On the twenty-first day of their hunger strike, they were appealing to the Commission on Human Rights to appoint a special rapporteur to investigate the human rights situation in Tibet.

17. Since no one, not even His Holiness the Dalai Lama, had been able to stop that hunger strike, the Society of Threatened Peoples feared greatly for the lives of those six Tibetans and, therefore, urged the Commission to respond to their legitimate request, as a matter of urgency, before it was too late.

18. Mr. QUIGLEY (Franciscans International) condemned the discrimination to which religious minorities were being subjected in many countries, particularly in Pakistan in spite of the fact that, in 1927, that country had promulgated legislation recognizing and protecting the sacrosanct nature of religious beliefs. It was President Zia who had subsequently added to the Pakistani Penal Code provisions concerning blasphemy which condemned any act which, rightly or wrongly, might be regarded as a sign of disrespect for the Qur'an. Those provisions were often applied in an arbitrary manner motivated by personal grudges.

19. Franciscans International had already reported the destruction of the Christian villages of Shantinagar and Khanewal on 5 and 6 February 1997 at the instigation of a small group of militant Muslims. Although the Pakistani Government had taken steps to remedy the situation, the results of the inquiry on those incidents had not yet been made public and there was still tension between Christians and Muslims in that area due to the fact that the authorities had not kept all their promises. Franciscans International called upon the Pakistani Government to publicize the report of the judicial authorities who conducted the inquiry and to prosecute the persons responsible for the destruction of those villages before the civil courts. His organization was also calling for the abrogation of all the discriminatory laws, particularly those relating to blasphemy (art. 295 (b) and (c) of the Pakistani Penal Code) as well as the abolition of the electoral system based on religion.

20. Franciscans International was also concerned at the discrimination and persecution to which the Muslim and Christian minorities were being subjected in India. The destruction of mosques and the assassination of numerous Muslims during the last few years were particularly disturbing. Catholic priests and nuns had also been subjected to numerous violations ranging from beatings to murder and the perpetrators of those acts had not been brought to justice.

21. Mrs. BASSAM (International Peace Bureau), speaking on agenda item 16, denounced the brutal repression to which the Mapuche minority was currently being subjected in Chile, as had happened in the worst years of the military

dictatorship. Having been dispossessed of their lands by the Spanish conquest, the Mapuche community should in theory, under the terms of Law No. 19253 of 1993 concerning the protection of the indigenous population, enjoy some fundamental rights, particularly the right to be consulted on all issues directly affecting its members. However, that law was not being applied and the situation of the Mapuche was currently characterized by the usurpation of their lands, discrimination and humiliation. The Chilean police, acting on the basis of the State Security Law and the Anti-Terrorist Law, had carried out totally unjustifiable operations in the Mapuche region where some inhabitants, including women and children, had been detained and threatened. One of the detainees had allegedly been held incommunicado for seven days, which was contrary to the law, and had suffered degrading treatment. Those operations had taken place following a clash between guards of the logging company Arauco S.A. and Mapuche families trying to halt the deforestation of land that had always belonged to them. Likewise, in violation of Law No. 19253, the Chilean State had decided to build new roads and dams without consulting the communities concerned. One example of this was the imminent construction of a series of hydroelectric power stations on the Bio-Bio river.

22. Mr. MBOMIO (North-South XXI), describing the situation in Sri Lanka, said that the Sri Lankan army had destroyed Hindu temples and Catholic and Protestant places of worship and had imprisoned Hindu and Christian priests. That information had been confirmed by the International Committee of the Red Cross (ICRC). In his view, those incidents highlighted the key role that militant Buddhism was playing in the conflict in Sri Lanka. On the other hand, on 25 January 1998, the Buddhist sanctuary known as the "Temple of the Tooth", which was highly venerated by those same militant Buddhists, had been the target of a bomb attack which was thought to have been carried out by members of the rebel Tamil army. That attack had been condemned by Amnesty International. The Sri Lankan communities affected by that racial intolerance were expressing massive support for equal treatment of all faiths, regardless of their origin, as stipulated in the principal international instruments and in the Universal Declaration of Human Rights. North-South XXI condemned the intolerance and discrimination to which communities were being subjected in Sri Lanka on grounds of their belief, as well as the violence that resulted therefrom. There was an urgent need for the parties involved in those conflicts to meet around a negotiating table with a view to a national reconciliation for which the Commission on Human Rights could help to lay the foundation.

23. Mr. ROSSI (International Association for Religious Freedom) welcomed the fact that, 50 years after the adoption of the Universal Declaration of Human Rights, the right to freedom of conscience and religion had been proclaimed in the constitutions of almost all the countries of the world and millions of men and women, who had previously been persecuted for their religious beliefs, could now enjoy that freedom. He highly appreciated the role that the Commission on Human Rights and the Special Rapporteur on religious intolerance had played in that regard.

24. Unfortunately, it could not be denied that there were still some States in which religious freedom was severely restricted and even some in which the situation in that field, far from having improved, had deteriorated. Note

should be taken of grave manifestations of intolerance in some religious circles, and particularly the increasingly threatening upsurge of political movements characterized by religious totalitarianism. In that connection, he referred to the ethnic cleansing campaign conducted in Bosnia and Herzegovina which had been viewed as a war between Christians and Muslims, the intolerance of the majority Orthodox Church in some Eastern European countries, the massacre of innocent men, women and children in Algeria because a religious extremist party had been prevented from turning that country into an Islamic State, Hindu nationalism in India, the ultra-Orthodox Jewish movement in Israel which had been behind the assassination of Prime Minister Yitzhak Rabin, and the Islamic regime in Iran which had outlawed the Baha'is. Moreover, it was noteworthy that, in Mauritania and the Sudan, the Penal Code prescribed the death penalty for Muslims who changed their religion, which was contrary to article 18 of the Universal Declaration of Human Rights. It was even more disturbing to note that those States affirmed that the international instruments should be changed in order to bring them into line with Islamic law. That was what the head of the Sudanese delegation had declared before the Human Rights Committee.

25. The international community should react vigorously against all the extremist movements which, in the name of an erroneous concept of religion, were seriously threatening the human rights system as well as world peace. The Commission on Human Rights should consider organizing a seminar of experts from all the major religions in order to clearly demonstrate that the authentic teachings of the major religions, stripped of any tradition that was not in conformity with the principles of the holy books, was fully in harmony with the rights and freedoms recognized in the Universal Declaration.

26. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship Among Peoples) noted the reluctance of States to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and, in particular, the lack of valid arguments to justify that reluctance, which was attributable to the desire for access to cheap labour to which the principle of equality in regard to economic and social rights did not apply and which was deprived of political status.

27. The problem of family reunification should also be addressed, because some of the more reactionary circles were beginning to regret the former pattern of immigration consisting solely of single persons to whom a few allowances were granted for the families that they had left behind, although those allowances were much less generous than those to which nationals were entitled. However, the demographic situation in the developed countries necessitated the absorption of foreign families since the active/non-active population ratio could place those countries in an extremely weak position within a few years. In future, immigrant children would be an active force in their host country provided that they received a scientific and technical education that enabled them to keep in step with modern social progress.

28. He felt that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was right to recommend the adoption of a form of (local or regional) citizenship for immigrant workers. The European Union had also been right to establish that principle for all nationals of its member countries. It should also be

applied to the nationals of all other countries. In conclusion, he hoped that the Commission would adopt a strong recommendation to the effect that all States should sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

29. Mr. BRAFF (General Conference of the Seventh-Day Adventists) said that article 18 of the Universal Declaration of Human Rights was disregarded in many countries and even called into question in some democracies, as had been emphasized in many reports, including that of Mr. Amor (E/CN.4/1997/91). He pointed out that the Church's independence from the State was one of the key principles of modern democracies. History showed what happened to freedoms when the State abandoned its duty. In such a case, instead of guaranteeing equality and freedom, it became the instrument of a religion or a Church. Since the same causes produced the same effects, it was now possible to measure the degree of freedom in States in which politics and religion were intermingled.

30. He noted with regret that, in some countries, religious minorities were still being equated with dangerous sects. Although a sect was usually a religious minority in the numerical sense of the term, it was not necessarily a dangerous minority. In his view, the publication, in some countries, of lists of sects which were often compiled without the assistance of experts or academics was a remarkably strange way to strengthen religious freedom and peace. It was not normal that a religious minority which respected the law should be marginalized or even persecuted by the State, that the simple fact of not belonging to the majority or traditional religion should turn a man or a woman into a second-class citizen, that public schools should brutally close their doors to children on grounds of their religious beliefs and that the Jehovah's Witnesses, for example, should be on the verge of gaining recognition in Cuba while they were still being harassed in several European countries. The State should protect its citizens from all kinds of abuses. If a religious, political or economic group posed a threat to freedom, public order, the family or health, the State had a duty to react and, in most democracies, the Penal Code allowed it to do so without the need to promulgate new anti-sectarian legislation.

31. In conclusion, he thanked the new democracies, particularly Poland and Hungary, which had not succumbed to religious and nationalist pressure, as well as Spain and Italy, which had often served as models. He encouraged all the Governments which were passing through that transition towards democracy to promulgate legislation that was in conformity with the international instruments of the United Nations and which recognized the independence of religious organizations, Churches and the State and guaranteed every individual's right to choose his religion and his way of thinking with due regard for others.

32. Mr. LEPATAN (Philippines) said that the phenomenon of migrant workers was not new although, at the present time, it had assumed an unprecedented magnitude due to the growth in the world population, the increasing disparities in income which were inducing large numbers of workers to seek their fortune in richer countries, the facility of travel and the emergence of organized groups that were profiting from migrant workers.

33. Being both a labour-exporting and a labour-importing country and one of the few States that had signed and ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Philippines welcomed the fact that the High Commissioner for Human Rights had approved the organization of a global campaign to promote the ratification and entry into force of that instrument. He hoped that the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance would give due attention to the discrimination and violence faced by migrant workers.

34. He suggested that the High Commissioner for Human Rights should consider carrying out a historical study of migratory movements and the economic, social and cultural contributions made by migrant workers throughout the world in order to promote better understanding and tolerance of migrant workers in host societies.

35. During the current session of the Commission, the Philippines would be presenting or co-sponsoring various draft resolutions designed to promote and protect the rights and dignity of migrant workers and members of their families. The first of those draft resolutions would advocate ratification of the relevant International Convention, while the second would refer to the need to renew the mandate of the Working Group of Intergovernmental Experts on the Human Rights of Migrants. His delegation hoped that the Working Group would give due attention to women migrant workers who, being female, were particularly vulnerable. In that regard, his delegation would be presenting a draft resolution on the violence to which those women were subjected, as well as a related draft resolution on the traffic in women and girls.

36. His delegation welcomed the commitment of intergovernmental and non-governmental organizations to promote and protect the rights and dignity of migrant workers. It hoped that their endeavours would also promote a better understanding of the contribution that migrant workers were making to economic and socio-cultural progress in both their host and home countries.

37. Mr. MAJDI (Morocco) said that, since the mid-1970s, immigrants had been accused of being the cause of all the ills afflicting their host societies which, consequently, found them costly, unassimilable and dishonest. Some politicians, motivated by these prejudices which were not based on any objective and carefully considered analysis, had made immigration a priority issue in their programme, thereby encouraging certain groups to increase their xenophobic acts of aggression against immigrants everywhere in Europe. That attitude seemed to have spread to some official sectors which, if not actually covering up, were at least turning a blind eye to those activities. In judicial proceedings, a presumption of malfeasance seemed to weigh heavily against the immigrant, who was required to furnish proof to the contrary. Those attitudes, which were sometimes racist and xenophobic, were backed by an increasingly severe, not to say discriminatory, arsenal of laws and regulations.

38. The Moroccan delegation felt that it was paradoxical, at the very least, to note, in the era of globalization in which economic liberalization and the free movement of goods and services were being demanded, that extraordinary efforts were still being made to build fortresses to prevent the movement of

persons. His delegation in no way contested the right of every State to define and apply its own migration policies and to make its sovereign decisions concerning border control. However, the manner in which a State treated foreigners in its territory was not a matter that solely concerned that State. The Universal Declaration of Human Rights and the relevant international instruments required States to guarantee to all persons living under their jurisdiction the fundamental rights enjoyed by the population as a whole. In that context, refoulement, arbitrary expulsion and the unjustified confiscation of travel documents, which had become current practice, could not be tolerated.

39. Morocco supported the renewal of the mandate of the Working Group of Intergovernmental Experts on the Human Rights of Migrants, the task of which was to gather information on the obstacles encountered from all the parties concerned in order to ensure the effective protection of those rights. His country hoped that the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights would encourage States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

40. Mr. ZOZULYA (Ukraine) said that Ukraine had always attached the utmost importance to the protection of linguistic, ethnic, and religious minorities from any form of discrimination or intolerance. The Government encouraged the establishment, among the various ethnic groups, of relations based on mutual tolerance and confidence.

41. In that connection, it was noteworthy that the revival of the Ukrainian culture and language, which had suffered greatly under the Soviet regime, was not taking place at the expense of the rights of persons belonging to any national minority or ethnic group. For example, measures were currently being taken to promote education in the minority languages and to preserve the cultural traditions of the minorities. The Ukrainian Government therefore rejected any attempt to exploit ethnic issues for political ends or to the detriment of the inter-ethnic harmony, stability and integrity of Ukraine.

42. The Ukrainian Government expected the rights of the 12 million ethnic Ukrainians living outside Ukraine to be protected in the same way. It was the country of citizenship or permanent residence that bore the primary responsibility for ensuring that the rights of minorities were respected in its territory. For its part, Ukraine was convinced, in the light of its experience, that cooperation among States would help to settle the problems of persons belonging to minorities and would prevent the mass migrations that could be caused by lack of respect for their rights.

43. With regard to migrant workers, the Ukrainian delegation strongly supported the recommendation of the Working Group of Intergovernmental Experts on the Human Rights of Migrants that the Commission should authorize the Group to meet twice annually for two sessions of five days each.

44. With regard to the rights of persons belonging to minorities, the Ukrainian Government was in favour of extending the mandate of the Sub-Commission's Working Group on Minorities and would continue to participate actively in its work, the effectiveness of which would be increased if the

working documents were prepared in advance, if the discussions were less politicized and if a larger number of observers from Governments, NGOs and independent experts participated therein.

45. The application of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities would be strengthened if the treaty-monitoring bodies and special rapporteurs of the United Nations played a more active role in solving the problems that arose within the framework of inter-ethnic and inter-State relations. In that regard, as several delegations had suggested, the international mechanisms assigned to control and monitor compliance with the provisions of the Declaration should be strengthened.

46. Mrs. GAER (United States of America) said that, in accordance with article 18 of the Universal Declaration of Human Rights, everyone had the right to freedom of thought, conscience and religion, as well as freedom to manifest his or her religion or belief in public or in private.

47. The United States, which had never known a religious war, was deeply attached to that freedom. Moreover, many of the early settlers had been escaping religious persecution in Europe. In the United States, the separation of Church and State was enshrined in the Constitution, thereby allowing all religions to flourish in a spirit of tolerance. In November 1996, the United States Administration had established an Advisory Committee on Religious Freedom Abroad, which comprised religious leaders representing all the major faiths and scholars who had dedicated their lives to the study of that issue. The Committee's task was to advise the Secretary of State on ways to promote and protect religious freedom worldwide. In that regard, it was noteworthy that the incidence of religious persecution increased whenever there was a deterioration in the political, economic and social climate. Such deterioration probably accounted for some of the anti-Semitism that had been observed in Central and Eastern Europe since the collapse of the Soviet Union. It was also a factor in the tension between Hindus and Muslims in India and between Sunni and Shi'a communities in Pakistan. The United States shared the opinion of the Secretary-General of the United Nations that the international community should denounce anti-Semitism in all its manifestations. In that connection, it should be noted that denial of the existence of the Holocaust was a form of anti-Semitism.

48. The United States could not remain indifferent to the tragic fate of the Christians and animists who were being persecuted by the Sudanese Government and forced to convert to Islam or be enslaved. It was essential to seek a speedy, just and durable settlement to the conflict that had been tearing that country apart for the last 15 years.

49. The persecution suffered by the Baha'is and Christians in Iran, by the Buddhists, Christians and Rohingya Muslims in Burma and by the followers of various religions in China, particularly in Tibet and Xinjiang, should also be condemned. It was unacceptable that the Chinese Government should continue to detain the young boy under 10 years of age who had been designated by the Dalai Lama as the Panchen Lama.

50. The United States also feared that, in Russia, the new law on religion might severely restrict the freedom of religious minorities. The United States shared the concerns of its Muslim American citizens over the growing intolerance in regard to Islam in some sectors of European society. On the other hand, her country would not tolerate any invocation of Islam or other religions to justify atrocious violations of human rights as was being done by the Armed Islamic Group in Algeria.

51. In her view, the Commission should consider the positive role that religious leaders could play in conflict resolution. She also called upon the Commission to continue its work on the basis of the important studies on religious freedom that had been prepared for it. Finally, she urged the High Commissioner for Human Rights to ensure the full integration of that issue in the programmes of her Office. In that regard, she called upon the special rapporteurs examining country situations to meet with leaders of religious communities and human rights organizations in those countries and to include information on religious freedom therein in their reports.

52. Mr. PACURETU (Observer for Romania) said that the Vienna Declaration, which stemmed directly from the Universal Declaration of Human Rights, reaffirmed the fundamental principle that States should assure the same protection for all citizens irrespective of their race, language, religion or origin. Governments and persons belonging to national minorities should make concerted efforts to preserve inter-ethnic peace.

53. The Romanian Government also believed that States had an obligation to ensure that all citizens participated in social progress and to protect the rights of persons belonging to national minorities, in accordance with the relevant international instruments and standards, particularly the instruments drawn up by the Council of Europe. The bilateral agreements concluded between a State in which a national minority was living and the State from which that minority came also helped to establish a climate of confidence and prevent tension.

54. In Romania, the Democratic Union of Hungarians, which represented the largest ethnic minority in the country, nominated its own candidates not only for posts within the Government but also for posts to be filled in the prefectures and sub-prefectures. Hundreds of mayors belonging to that party had been elected democratically.

55. Moreover, the Romanian Constitution stipulated that every national minority should have at least one representative in the Parliament. A Department for the Protection of National Minorities had recently been established to monitor the application of the legislation concerning minorities. All those mechanisms and institutions bore witness to the importance that Romania attached to protection of the rights of national minorities and their participation in all aspects of social life.

56. Mr. ZERVAN (Observer for Slovakia) said that the Slovak Republic was firmly committed to protect the fundamental rights and freedoms of all its citizens, including the specific rights of persons belonging to national minorities. Accordingly, Slovakia had become a party to all the principal international instruments concerning human rights and the rights of

minorities, had adopted legislative provisions and taken practical measures to ensure the effective exercise of those rights and had incorporated the principles set forth in the international instruments in the bilateral treaties that it had concluded with its neighbours.

57. The Slovak Government supported the work of the Working Group on Minorities and approved its proposal to submit the Hague Recommendations regarding the education rights of national minorities for consideration by Governments with a view to making them universally applicable.

58. Slovakia was also one of the first States to ratify the Framework Convention for the Protection of National Minorities, which had been drawn up by the Council of Europe, and was currently preparing its first report on the implementation of that convention.

59. At the invitation of the Slovak Government, representatives and experts from the European Commission, the Council of Europe and the Office of the High Commissioner for National Minorities of OSCE had visited Bratislava on 9 and 10 March 1998 to help Slovakia to evaluate its domestic legislation concerning the use of minority languages. A second meeting was scheduled for April 1998.

60. In conclusion, Slovakia was firmly convinced that protection of the rights of persons belonging to national minorities contributed significantly to the establishment of cultural pluralism at the national level and to the enrichment of mankind's cultural heritage.

61. Mr. HASSAINE (Observer for Algeria) said that, by proclaiming the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief in 1981, the General Assembly of the United Nations intended to reinstate religion in its true place in human society by allowing everyone to live his spirituality freely and in harmony with others. To that end, a culture of tolerance and non-discrimination should be promoted within the framework of the Decade for Human Rights Education.

62. Religious wars had constituted the most acute form of religious intolerance that mankind had known. Today, the world was witnessing the upsurge of terrorism, a new form of intolerance directed against entire peoples. Small groups believing themselves to be vested with a divine mission were attempting to impose their fallacious and anachronistic interpretation of sacred texts and were engaging in blind and barbaric terrorism. In that regard, it was noteworthy that religious extremism had been largely sustained, supported and manipulated by some parties within the framework of the East-West confrontation.

63. States, the United Nations and civilian society should clearly and unequivocally condemn the religious extremism that was threatening not only democracy but also stability and peace throughout the world. The Special Rapporteur on religious intolerance had rightly recommended certain initiatives, particularly communications and in situ visits, on the issue of

religious extremism and the definition and adoption by the international community of a minimum of common rules and principles of conduct and behaviour in regard to religious extremism.

64. Mr. TANDAR (Observer for Afghanistan) said that intolerance was alien to Islam, that, according to the Qur'an, life was sacrosanct, that education was a religious obligation for every male and female Muslim and that extremism was incompatible with Islam, which was a tolerant religion that rallied men and women of all colours, all languages, all races and all continents around a common aim.

65. The Taliban were distorting Islam. Eminent Muslim scholars and highly reputed Islamic teaching centres throughout the world condemned their practices: public stoning, closure of teaching establishments for women and young girls, refusal to permit women to wash themselves or to work, and slaughter of persons sentenced to death before 35,000 spectators.

66. Some silences, some attitudes and some sympathetic remarks in regard to the Taliban gave reason to believe that they were the instruments of a policy and a game that were under way in the region. To those who kept silent in the face of the distress of a people and who believed that they could come to terms with barbarity at the end of the twentieth century, it might be useful to point out that one Munich was sufficient.

67. The delegation of the Islamic State of Afghanistan called upon the international community as a whole and the Muslim countries in particular to unreservedly condemn the Taliban in Afghanistan and the terrorists in Algeria for insulting Islam.

68. Mr. GETAHUN (Observer for Ethiopia), speaking first of all on agenda item 11, said that the Ethiopian delegation shared the concern of previous speakers at the alarming increase in violations of the fundamental rights of migrants, regardless of whether they took the form of racist and xenophobic acts of aggression by individuals or isolated groups or measures such as prolonged administrative detention, denial of channels of appeal against administrative decisions, summary expulsions or deportations in humiliating conditions. Those problems required urgent and concerted action. In that regard, the Ethiopian delegation welcomed the report of the Working Group of Intergovernmental Experts on the Human Rights of Migrants (E/CN.4/1998/76). The numerous replies to the questionnaire prepared by the Working Group had enabled it to analyse the various problems encountered by migrants.

69. While highly appreciating the efficient manner in which the Working Group had obtained information by its own means, the Ethiopian delegation shared the view expressed by several participants who, as indicated in paragraph 80 of the report, felt that the Working Group's activities should not duplicate those of competent intergovernmental organizations, specialized agencies or treaty-monitoring bodies. However, the Working Group should utilize the data already gathered by those institutions. The Ethiopian delegation also endorsed the proposal made in paragraph 94 of the report to the effect that a permanent United Nations body should serve as a clearing house for information concerning the full protection of the rights of migrants.

70. With regard to agenda item 16, the Ethiopian delegation welcomed the report (E/CN.4/Sub.2/1997/18) of the Sub-Commission's Working Group on Minorities, and particularly the recommendation made in paragraph 108 concerning the preparation of a manual on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, a task which the Working Group was best qualified to undertake. His delegation also endorsed the recommendation made in paragraph 109, concerning the establishment of a database on good practices and another on national, regional and international recourse mechanisms. In that regard also, the Working Group should clearly identify the practices that were designated as "good". The Ethiopian delegation likewise emphasized the importance of the recommendation made in paragraph 112 of the report to the effect that the Sub-Commission should call upon each of its committees to include in their reporting guidelines for States parties a request for information concerning the minority-related rights relevant to the treaty in question and to pay particular attention to the question of the status of minorities during their consideration of the reports of States parties. Finally, paragraph 119 contained another important recommendation concerning the need for the United Nations, and particularly UNICEF, UNESCO and UNDP, to considerably increase the resources allocated to multicultural and intercultural education projects.

71. In spite of the increasing awareness of the problems encountered by minorities, discrimination, exclusion and conflicts had persisted. Since the Working Group had been established to consider those issues and to seek solutions thereto, it should be allowed to hold one session of five working days every year, which would be devoted to the consideration of issues such as the cultural autonomy of minorities, their representation in public institutions and the promotion of their rights. Through the Sub-Commission, the Working Group should also contribute to the preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance by undertaking studies on the issues covered by its mandate.

72. Ethiopia had more than 70 ethno-linguistic groups. The Ethiopian Constitution of 1994 stipulated that every nation, nationality and people had the right to use its own language, to promote its own culture, to preserve its history and to enjoy a full measure of self-rule. Those constitutional guarantees were fully respected in Ethiopia.

73. Mr. COX (Baptist World Alliance) said that the Alliance was a fellowship of 191 Baptist organizations representing a total of 100 million persons throughout the world. It had a Human Rights Commission, which met annually and sought to solve the problems brought to its attention by the various affiliated organizations. Every year, the Commission sponsored a mission to a region in which it believed that the fundamental rights of the population, regardless of whether they belonged to the Baptist community, were being flouted. The members of those missions always endeavoured to meet the United Nations representatives in the country concerned.

74. At the present time, the Baptist World Alliance was particularly concerned at the fact that several States Members of the United Nations had not yet recognized the right of all their population to religious freedom. Since its establishment at the end of the sixteenth century, the Baptists

Movement had advocated the separation of Church and State and freedom of worship for every individual. For four centuries, the Baptists had sought to promote religious freedom for all, not just for Christians and certainly not just for Baptists. In fact, they were convinced that religious freedom, as outlined in the Universal Declaration of Human Rights, was every individual's inalienable right which should not be restricted or denied.

75. The Baptist World Alliance was alarmed at the upsurge in persecution throughout the world and condemned all acts of violence committed in the name of religion. It was also concerned at the increase in discrimination practised by States. Governments should be reminded that they had an obligation to ensure that the rule of law was respected. The Baptist World Alliance appealed to the Commission to do everything within its power to combat all forms of injustice, including that which consisted in preventing believers from openly practising their faith.

76. Mrs. CONNAUGHTON ESPINO (Women's International League for Peace and Freedom) said that migration was a complex phenomenon which should be analysed by considering the causes and studying the obstacles that prevented immigrants from fully enjoying their fundamental rights. At the present time, migrations were to a large extent linked to globalization, the role of transnational corporations and economic liberalization policies. For example, many farmers who had been dispossessed of their land had no choice but to emigrate in order to support their families. Both the countries of origin and the host countries had responsibilities in that regard and should consider the consequences of certain economic policies. The Women's International League for Peace and Freedom urged the countries of origin to ensure that the right of their citizens to remain in their country was respected by protecting their land rights and ensuring that foreign companies observed the standards set by the International Labour Organization. It called upon the host countries to recognize their responsibilities in the economic liberalization process and to no longer allow their national companies to flout ILO standards in their facilities abroad. Moreover, since immigrants were often victims of racism and xenophobia, the host countries should conduct information campaigns within the framework of the Third Decade to Combat Racism and Racial Discrimination and the issue of migration should be high on the agenda of the World Conference to Combat Racism. The League also appealed to all States to rapidly ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which had not yet been signed by any so-called "developed" country.

77. Female migration was a matter of particular concern since more than half of all migrants were women, who experienced the dual discrimination of racism and sexism. Clandestine female workers, regardless of whether they had emigrated of their own free will or were the victims of trafficking, were particularly vulnerable to economic, psychological and sexual exploitation. In that regard, the League welcomed the Commission's resolution 1997/13 concerning violence against women migrant workers, especially the provisions concerning measures to punish the perpetrators of that violence and assist its victims. The League was in favour of a renewal of the mandate of the Working Group of Intergovernmental Experts on the Human Rights of Migrants, which it

urged to consider the situation of women migrants in all its work and to pay particular attention to the issue of undocumented migrants, without forgetting the need to combat racism and xenophobia.

78. Mr. PARADISO (Asian Buddhists' Conference for Peace) referred to the fate of the Mohajirs in Pakistan who, although they had their own distinct culture, language and values and constituted the fifth largest nationality in Pakistan, had never been recognized as full Pakistani citizens and were subjected to systematic tacit or official discrimination in all spheres of life.

79. The Asian Buddhists' Conference for Peace urged the Commission and member States to ensure that a political solution was sought for the plight of the Mohajirs living in urban centres of Sindh with a view to securing effective respect for their rights as recognized in the Pakistani Constitution. The present coalition between the ruling Muslim League and the Mohajir Qaumi Movement provided a suitable opportunity to do so. The Government should demonstrate its sincerity and not use the coalition as a tool to remain in power. Above all, it should put an end to the violations that were being committed against Mohajir workers in general and those of the MQM in particular.

80. The Asian Buddhists' Conference for Peace also condemned the suicide attack against one of the holiest Buddhist shrines, the Temple of the Tooth at Kandy in Sri Lanka. The destruction of that site should be condemned not only because of the scores of people who had been killed or injured but also because it constituted an attack on the universal conscience.

Statements made in exercise of the right of reply.

81. Mr. HUU HAI (Observer for Viet Nam), referring to a statement by the non-governmental organization Pax Romana concerning his country, said that a group of persons who were obstinately closing their eyes to reality and to the development of Viet Nam, tried to mislead the Commission every year. Their statements, which were neither objective nor constructive, hardly reflected a genuine concern for human rights. The Vietnamese delegation, which had frequently had to refute such allegations, deemed it appropriate to mention the view expressed by the Asian Group Coordinator on item 3 that the secretariat should examine statements of this type in advance with a view to preventing the participation of unauthorized observers and the repetition of obsolete statements.

82. Mr. IDRIS (Sudan), referring to the statement by the representative of the International Association for Religious Freedom on agenda item 18, made the following comments:

83. Although changing one's religion was indeed designated as a criminal offence in the Sudanese Penal Code of 1983, it was no longer so designated in the Code that the present Government had promulgated in 1991. However, the new Code prescribed penalties for manifestations that disrupted public order, in accordance with a universally recognized principle.

84. Moreover, the Sudanese delegation categorically refuted the allegation that the head of the Sudanese delegation had declared before the Human Rights Committee that international law should be adapted to national legislation. On that occasion, the Sudanese representative had actually said that the Sudan, being a signatory of the Vienna Convention on the Law of Treaties, was bound to respect the international instruments to which it was a party. In addition, article 18, paragraph 3, of the International Covenant on Civil and Political Rights stipulated that States had the right to impose such limitations as were prescribed by law and were necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. The Sudan had not defaulted on its obligations and the representative of the International Association for Religious Freedom was, to say the least, ill-informed of the situation in that country.

85. The allegations made by the representative of the United States of America, to the effect that the non-Muslim population of the southern part of the country was being persecuted, were unjust and unfounded. In fact, if the Christians and animists in the south were being forcibly converted and enslaved, as the United States delegation alleged, 2 million southerners would not have fled to the north from the war zone.

The meeting rose at 5.45 p.m.